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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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DANIEL CRISOTOMO,
11 **Plaintiff,**
12
13 **v.**
14 **AKIMA FACILITIES MANAGEMENT, LLC,**
15 **Defendant.**

Case No.: 13-cv-5187 YGR

**ORDER TO SHOW CAUSE REGARDING
PLAINTIFF'S FAILURE TO COMPLY WITH
CIVIL LOCAL RULE 7-3(A); EXTENDING
DEFENDANT'S TIME TO REPLY**

16 TO THE PARTIES AND THEIR COUNSEL OF RECORD:

17 The above-named Plaintiff's counsel is hereby **ORDERED TO SHOW CAUSE** why he should not
18 be sanctioned for failing to comply with Civil Local Rule 7-3(a), which provides that an opposition to
19 a motion "must be filed and served not more than 14 days after the motion was filed." In this case,
20 Defendant filed a motion to dismiss Plaintiff's complaint on November 12, 2013. (Dkt. No. 7.)
21 Therefore, under Civil Local Rule 7-3(a), Plaintiff's opposition was due on November 26, 2013, and,
22 under Civil Local Rule 7-3(c), Defendant's reply was due on December 3, 2013. Plaintiff did not file
23 an opposition until the afternoon of December 3, 2013. (Dkt. No. 12.) This untimely filing deprived
24 Defendant of a meaningful opportunity to reply to the opposition.

25 A hearing on this Order to Show Cause shall be held concurrently with the regularly noticed
26 motion hearing set for **Tuesday, January 7, 2014**, on the Court's 2:00 p.m. calendar, in Courtroom 5
27 of the United States Courthouse located at 1301 Clay Street, Oakland, California. No later than
28 **Wednesday, December 11, 2013**, Plaintiff's counsel shall file a written response to this Order to

1 Show Cause. The response shall explain the basis for Plaintiff's counsel's failure to file a timely
2 opposition and shall not exceed 3 pages in length.

3 Defendant requests that the Court disregard the late-filed opposition in its entirety or, in the
4 alternative, extend Defendant's time to reply. (Dkt. No. 14 at 3.) The Court **DENIES** the former
5 request but **GRANTS** the latter and hereby **EXTENDS** Defendant's time to file its reply to the
6 opposition. Defendant's reply is due no later than **Wednesday, December 11, 2013**.

7 **IT IS SO ORDERED.**

8 Dated: December 4, 2013


9 YVONNE GONZALEZ ROGERS
10 UNITED STATES DISTRICT COURT JUDGE